



# **Southwest Early College High Revocation**

# Standard of Review

TCA § 49-13-122(b)(1) allows a charter authorizer to revoke a charter agreement at any time if the chartering authority determines that the school “**committed a material violation of any conditions, standards, or procedures set forth in the charter agreement.**”

Board Policy #1011.XII.B allows the Board to revoke a charter agreement for “material violations of the conditions, standards, or procedures set forth in the charter agreement”; “failure to meet [the] charter agreement”; as well as “**egregious acts of malfeasance by the charter school.**”

# Investigatory Methodology



The Office of Charter Schools spoke with the following SECH employees and representatives, and other entities:

- Parent 1, mother of an 11<sup>th</sup> grade student at SECH
- Parent 2, mother of an 11<sup>th</sup> grade student at SECH
- Transcripts from the August 27<sup>th</sup> SCS Board Meeting during Public Comment
- Ashley Smith, CEO of SECH's sponsoring organization, Artesian Schools and interim principal
- Dr. Marshetta Brazley-Rodgers, SECH Special Education Director

The Office also requested and/or reviewed various items and documents, which included, but were not limited to, a complete staff list; the names of vendors providing any on-line services; copies of student schedules; descriptions of modified scheduling and the impact in the required number of instructional days; descriptions of the delivery of services to students with IEPs; documents concerning the AccuPlacer; documents pertaining to the status of text books for college classes; and documents concerning transition periods.

We partnered with Exceptional Children, Student Information Management, Dual Enrollment, and Human Resources on conducting the investigation.

## **Revocation, effective immediately**



- Southwest Early College High relied on uncertified teachers in multiple classes.
- Southwest Early College High failed to provide services to students with IEPs.
- Southwest Tennessee Community College has terminated its partnership with SECH effective May 30, 2020.

# Violation 1: Unlicensed Teachers



At the time of the investigation, documentation from SECH and PowerSchool showed that **three** classes did not have licensed teachers:

1. Algebra I
2. Biology
3. English II

Going into fall break, documentation from SECH and PowerSchool showed that **seven** classes did not have licensed teachers:

1. Algebra I
2. Biology
3. English II
4. English III
5. World History & Geography
6. US History & Geography
7. Spanish I

Licensure checks were performed by the SCS Department of Human Resources.

# Violation 1: Unlicensed Teachers



Course	Teacher	Licensed
English I	Teacher 1	English 6-12
Algebra II	Teacher 2	Math 7-12
Geometry	Teacher 2	Math 7-12
Chemistry	Teacher 3	Chemistry
Special Education	Teacher 4	Sped. Interventionist 6-12
Algebra I	Teacher 5	No
Biology	Teacher 6	No
English II	Teacher 7	No
English III	Teacher 8	Econ. & Gov.
World History	Teacher 9	Elem. 1-8
US History	Teacher 9	Elem. 1-8
Spanish I	Teacher 10	No

Southwest Early College High is responsible for hiring all teachers for non-college classes (primarily 9<sup>th</sup> and 10<sup>th</sup> grade).

60% of those teachers are **unlicensed or teaching without a waiver**

## Violation 2: Inadequate Special Education Services



On August 28, 2019 Exceptional Children visited SECH and found:

- No permanent schedule for the Special Education teacher
- The school was not providing services for students with IEPs at that time, a full two weeks into school

In September, SECH submitted a draft schedule for the Special Education teacher that required they split time during 2<sup>nd</sup>, 7<sup>th</sup>, and 8<sup>th</sup> period, which would result in students not receiving full services.

Discussions with STCC concerning delivery of special education services in Dual Enrollment classes began on August 27, the day *after* college courses began.

## Violation 3: STCC Terminated Partnership



A letter dated September 10, 2019, from Southwest Tennessee Community College to SECH terminates the partnership between STCC and SECH effective at the end of May 2020.

*“based on our observations, SECHS students are not receiving the academic and socio-emotional support needed to prepare them for what should be an academically rigorous Early College experience. In fact, the College has seen no concrete evidence or commitment by Artesian leadership or the Board to ensure that all students receive the basic resources required for academic success.” -STCC in September 10, 2019 letter*



## Violation 3: STCC Terminated Partnership



SECH's charter is wholly reliant on providing students an opportunity to receive STCC credits on the college campus, and this termination of partnership will void SECH's ability to deliver on the commitments it made in the initial charter.

- “At the end of their journey through [SECH], our students will have earned both their high school diploma and a college degree, or two years of transferable college credit.” *pg. 11*
- “In order to implement [SECH]’s academic plan and instructional framework, students will need to spend as much time on Southwest Tennessee Community College campuses as possible. . . . For times when these [SECH] students are not in a college class, the high school will occupy classroom [*sic*] on that campus.” *pg. 21*
- “During students’ junior and senior years, they will be enrolled as full-time students at Southwest Tennessee Community College . . .” *pg. 25*

# Revocation



The SCS Administration has determined that, pursuant to TCA § 49-13-122(b)(1), SECH has committed material violations of the Charter Agreement. The violations include, but are not limited to, the following:

1. Section 7.e of the Charter Agreement

- SECH and Artesian have failed to ensure special education students receive services required by their Individualized Education Plans (IEPs) and to otherwise comply with requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 ("Section 504").

2. Section 7.o of the Charter Agreement

- SECH and Artesian have failed to ensure that only licensed teachers are employed or otherwise utilized in instructional positions

# Revocation



## **Material violations and egregious malfeasance:**

No licensed teachers in half courses for which SECH hired staff

No special education services delivered in August

No continuing partnership with the Community College

No institutional control

# Appendix

# Timeline



**August 20, 2019** – Parent 1 files a complaint with the Office of Charter Schools. OCS asks SECH to respond within 5 business days.

**August 23, 2019** – Parent 2 files a complaint with OCS. OCS asks SECH to respond within 5 business days.

**August 26, 2019** – SECH responds to Parent 1's complaint.

**August 27, 2019** – SECH students and parents vocalize their concerns before the SCS Board of Education.

**August 28, 2019** – SECH responds to Parent 2's complaint. Exceptional Children visits SECH campus.

**August 29, 2019** – OCS begins to coordinate investigation into SECH allegations

**September 4, 2019** – OCS, Dual Enrollment, Exceptional Children, and SIM speak via telephone with SECH to discuss allegations and documents provided by SECH in response

**September 5, 2019** – OCS submits findings to General Counsel

# Timeline



**September 10, 2019** – Letter bearing this date is sent by STCC to SECH terminating partnership

**September 12, 2019** – Anonymous Employee files a complaint with the Office of Charter Schools. OCS asks SECH to respond within 5 business days.

**September 17, 2019** – Anonymous Employee files an additional complaint with the Office of Charter Schools. OCS asks SECH to respond within 5 business days.

**September 18, 2019** – Anonymous Employee files a third complaint with the Office of Charter Schools. OCS asks SECH to respond within 5 business days.

**September 18, 2019** – OCS notifies SECH of recommendation to revoke the charter agreement via telephone, email, and USPS

**September 19, 2019** – SECH CEO, via email, encourages OCS to visit school to see firsthand how SECH is doing

# Timeline



**September 19, 2019** – SECH responds to first Anonymous complaint. According to SECH, STCC first provides notice of terminating partnership.

**September 23, 2019** – SECH responds to Anonymous complaints 2 and 3

**September 26, 2019** – OCS requests additional documentation and informs SECH of the District's intention to visit

**September 30, 2019** – OCS visits SECH, observes operations, speaks with SECH administration

# Appeal Timeline



By law, SECH has the right to appeal any revocation decision. They must give notice to the State within 10 days and the State must decide on the appeal within 60 days.

## **If SECH appeals and the decision is upheld:**

School closure on January 7, 2020

## **If SECH does not appeal:**

School closure on November 8, 2019